W. P. No. 1613 of 2007 (S/S)
With
Int. Relief App. Nil / 07

Hon'ble P.C. Pant, J.

Heard Mr. B.S. Negi, learned counsel for the petitioner and Mr. N.P. Sah, learned Standing Counsel for the respondents.

By means of this writ petition, the petitioner, an Assistant Teacher, has challenged the impugned order dated 05.06.2007, passed by respondent No. 2, transferring the petitioner from Junior High School, Dhuli to Junior High School, Panyali Dhari, both in District Nainital.

From the impugned order, a copy of which is Annexure – 2 to the writ petition, it is clear that the order was passed in pursuance to the Directorates Circular letter No. Savain – 2 / 10786 – 8-3 / 2007 –07 dated 26th May 2007, whereby it is directed that where the teachers are in excess of the strength sanctioned for the school, they be transferred to the school where there are vacancies. The spirit of the Circular letter appears to be clear not to make suffer education of the children in the interior areas, where the schools are without teachers.

The order doesn't appear to suffer from malice. Nor it appears to be arbitrary, nor is it against the rules.

However, learned counsel for the petitioner submitted that the petitioner is suffering from backache and she probably has slip disc problem. It is further mentioned in the writ petition that the petitioner has made a representation on 29th June 2007 to respondent No. 2, but the same is still not disposed of.

Having heard learned counsel for the parties, in the above circumstances, this writ petition is summarily disposed of with the observation that the respondent No. 2 may decide the representation dated 29.06.2007 (copy Annexure –5 to the writ petition), made by the petitioner, within a period of fifteen days from the date of production of certified copy of this order before such authority.

(Interim Relief Application also stands dismissed, accordingly).

(Prafulla C. Pant, J.)

Dt: 02.11.2007
H.Negi